In the High Court of Punjab and Haryana at Chandigarh.

F.A.O.No.5450 of 2005.

Date of decision:16.10.2006.

Mahi Pal and another.

...Appellants.

Versus

General Public and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N.Aggarwal.

...

Present: Mr.Rakesh Gupta Advocate for the appellants.

Mr.Narinderjit SinghDandiwal Advocate for respondent Nos.2 to 6.

...

Judgment.

S. N. Aggarwal, J.

The submission of learned counsel for the petitioners was that Youdhister Pal Walia had executed a registered Will 2.6.2000 in favour of the appellants and Varthal alias Virender Pal, respondent No.2 who were his sons. Said Youdhister Pal Walia died on 9.2.2002. Respondent Nos. 4 to 6 were the daughters of said Youdhister Pal Walia but the mother of the appellants had pre-deceased Youdhister Pal Walia. Thereafter the appellants filed an application for the grant of

Succession Certificate. All the natural heirs of Youdhister Pal Walia were impleaded.

The respondents admitted the legality and validity of the Will dated 2.6.2000 executed by Youdhister Pal Walia in favour of the appellants and respondent No.2. However, the application for grant of Succession Certificate was dismissed by the learned trial Court vide impugned order dated 1.10.2005.

Hence, the present appeal.

The submission of learned counsel for the appellants was that in support of their version, appellant Mahi Pal appeared as PW-1, Jogi Ram Lambardar as PW-2, Parbhat Shobha as PW-3, Hitesh Walia as PW-4 and Somati Devi as PW-5. Jogi Ram, PW-2 was the attesting witness of the Will. Death certificate of Youdhister Pal Walia was proved as Exhibit P-1 while the copies of Saving Bank Account were proved as Exhibits P-2 to P-10. The Will was proved as Exhibit P-11.

` Mr.Gupta submits that since the attesting witness of the Will was examined, therefore, the order dated 1.10.2005 passed by the learned trial Court is not legal and valid. The learned counsel for the respondents accepts this contention advanced by the learned counsel for the appellants.

This appeal is accordingly accepted. Succession Certificate be granted in favour of Mahi Pal, appellant No.1, Dharam Pal, appellant No.2 and Varthal alias Virender Pal respondent No.3 in equal

shares. Necessary proceedings be completed and the Succession Certificate be granted to the appellants and respondent No.2.

October 16,2006. (S. N. Aggarwal)
Jaggi Judge